

Atty Docket No.: Q040

CERTIFICATE OF MAILING

I hereby certify that the attached Second Amendment After Final is being deposited with the United States Postal Service as First Class Mail postage prepaid in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nov. 17, 2003.


Nancy V. McElrath

11-17-03
Date



Attorney Docket No. Q040
Patent
Q040

AF/3763

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
PAUL KURTH

SERIAL NO. : 09/708,150

FILED: NOV. 7, 2000

FOR: METHOD AND APPARATUS
FOR INSERTION OF ELONGATE
INSTRUMENTS WITHIN A BODY
CAVITY

Examiner: C. Serke

Group Art Unit: 3763

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DEC 01 2003
TECHNOLOGY CENTER 43700

SECOND AMENDMENT AFTER FINAL

Hon. Commissioner of Patents and Trademarks
Washington DC 20231

Sir:

Please enter 11/28/04
In reply to the final Advisory Action mailed Oct. 29, 2003, please enter the following amendments and consider the following remarks.

Con.
Claims 1 – 82 were original in the application. Claims 83 – 92 were added by preliminary amendment. Claims 1, 7, 13 – 28, 33 – 36, 42 – 52, 54, 57, 61 – 69, 76 – 89 and 92 were withdrawn from consideration by restriction. Claims 33 – 36, 42 – 52, 54, 57, 61 – 69, 76 – 82 and 92 were restricted by species election. Claims 1, 13 – 28, and 83 – 89 were cancelled without prejudice. Claims 29 – 32, 37 – 41, 53, 55, 56, 58 – 60, 70 – 75, 90 and 91 have been allowed. Claim 2 has been amended. Claims 2 – 6 and 8 – 12 have been rejected as requiring new consideration.

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The prior Amendment After Final was not entered. The present Second

Amendment After Final proposes to cancel claims 2 and 3 without prejudice and to
make claims 4 – 6 and 8 – 12 depend directly or indirectly on allowed claim 29.

Thus all claims now in the application are allowed or depend on allowed claims.